

REMARKS

This Response is submitted in reply to the Office Action dated January 29, 2007, and in accordance with the telephone interview conducted on May 16, 2007. Claims 1, 12, 63, 64, and 68 have been amended. Applicants have also amended the specification for clarity. No new matter was added by these amendments.

A Petition for a One Month Extension of Time to respond to the Office Action is submitted herewith along with a Request for Continued Examination (RCE). Please charge Deposit Account No. 02-1818 for any fees due to file this Petition, RCE, and Response to Office Action.

The Office Action rejected Claims 1 to 11 under 35 U.S.C. §112, first paragraph. Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

As discussed during the telephone interview, Figure 5 of Applicants' originally filed specification illustrates a switch that has a relatively rigid housing defining a U-shaped cavity therein and a relatively elastomeric cover substantially disposed in the U-shaped cavity of the housing. Additionally, Applicants have amended the specification to include "[a]s specifically illustrated in FIG. 5, the upper and lower rigid housings 64a and 64b cooperate to define a U-shaped cavity therein. A relatively elastomeric cover 65 is substantially disposed in the U-shaped cavity of the housing 64a and 64b." Applicants respectfully submit that this amendment to the specification is for clarity and does not constitute new matter because this subject matter was illustrated in the originally filed Figure 5. Accordingly, Applicants respectfully submit that independent Claims 1 to 11 comply with Section 112 and request that this rejection be withdrawn.

The Office Action rejected Claims 1 to 20, 63, and 64 under 35 U.S.C. § 103(a) as being unpatentable over Cordell (U.S. Patent Application Publication 2004/0140617) in view of Takano, et al. (U.S. Patent No. 5,382,767). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

Independent Claim 1 is directed to a gaming device that comprises, among other elements, a switch connected extendably and retractably to the cabinet. The switch has a relatively rigid housing that defines a U-shaped cavity therein. The switch also has a

relatively elastomeric cover that is substantially disposed in the U-shaped cavity of the housing. The switch includes at least one button that is operable with the processor to control a function of the game and movable independent of the relatively elastomeric cover.

Cordell discloses a retractable remote controller tethered to a gaming machine so that the retractable remote controller is movable from a retracted position (not shown) to an extended position (Figs. 1, 3 and 4). However, the retractable remote controller of Cordell does not have a relatively rigid housing that defines a U-shaped cavity therein and a relatively elastomeric cover that is substantially disposed in the U-shaped cavity of the housing. Additionally, the retractable remote controller of Cordell does not include a switch having at least one operational button that is operable with the processor to control a function of the game and movable independent of the relatively elastomeric cover.

Takano, et al. teaches a push button switch 10 having one operational button. The push button switch includes a housing 20 and an elastomeric cap 24 attached to the housing. The elastomeric cap 24 is attached to the housing via an upper collar flange 26. As illustrated in Figs. 2 and 3 of Takano, et al., the elastomeric cap 24 engages the upper collar flange 26. The elastomeric cap 24 extends from the upper collar flange 26 to protect the push button assembly 12 of the push button switch 10. The elastomeric cap 24 is not substantially disposed in the housing 20 and the housing 20 does not define a U-shaped cavity that receives the elastomeric cap 24. Moreover, the elastomeric cap 24 is movable with the push button assembly 12 of the push button switch 10 during operation of the switch 10.

As discussed during the telephone interview, the proposed combination of Cordell and Takano, et al. does not disclose a switch having a relatively rigid housing that defines a U-shaped cavity therein and a relatively elastomeric cover substantially disposed in the cavity of the housing, wherein the switch includes at least one operational button that is operable with the processor to control a function of the game and movable independent of the relatively elastomeric cover. Moreover, Applicants submit that one of ordinary skill in the art at the time of the invention would have no apparent reason to combine the elements of Cordell and Takano, et al. to form a

gaming device including, among other elements, a switch having a relatively rigid housing that defines a U-shaped cavity therein and a relatively elastomeric cover substantially disposed in the cavity of the housing, wherein the switch includes at least one operational button that is operable with the processor to control a function of the game and movable independent of the relatively elastomeric cover. Accordingly, Applicants respectfully submit that independent Claim 1 is patentably distinguished over the proposed combination of Cordell and Takano, et al. and in condition for allowance.

Dependent Claims 2 to 11 depend from independent Claim 1 and are also allowable for the reasons given above with respect to independent Claim 1, and because of additional features recited in those claims.

Independent Claims 12, 63 and 64 are patentably distinguished over the proposed combination of Cordell and Takano for similar reasons as set forth above with respect to independent Claim 1. Accordingly, Applicants respectfully submit that independent Claim 12 along with dependent Claims 13 to 20, independent Claim 63, and independent Claim 64 are in condition for allowance.

The Office Action rejected Claims 21, 25 to 40 and 65 to 68 under 35 U.S.C. § 103(a) as being unpatentable over Cordell in view of Hollowed (U.S. Patent No. 6,293,485).

As discussed during the telephone interview, and discussed above, Cordell teaches a retractable remote controller tethered to a gaming machine so that the retractable remote controller is movable from a retracted position (not shown) to an extended position (Figs. 1, 3 and 4).

Hollowed teaches a cord storage assembly having a ratchet mechanism that cooperates with a cord to allow the cord to be moved from a retracted position to extended positions. Accordingly, the proposed combination of Cordell and Hollowed provides a gaming device having a retractable remote controller that is movable from a retractable position to extended positions via a cord storage assembly and ratchet mechanism.

Independent Claim 21 is directed to a gaming device that comprises, among other elements, a cabinet including at least one button operable by a person and a

switch connected extendably and retractably to the cabinet via a cord, a spring and a ratchet. The spring causes the switch and cord to retract into a retracted position. The ratchet operates to lock the switch and cord in at least one extended position. The switch is positioned in substantially the same plane as the at least one button of the cabinet when the switch and cord are moved into the retracted position.

The proposed combination of Cordell and Hollowed does not disclose a switch that is positioned in substantially the same plane as at least one button of the cabinet when the switch and the cord are moved into the retracted position. The proposed combination relies on Cordell to disclose a switch. Cordell discloses two embodiments which the Office Action relied on to disclose this feature. In the embodiment shown in Fig. 3, Cordell discloses a remote controller that is inoperable by a player when retracted into the game machine housing. Moreover, the remote controller is not positioned in substantially the same plane as the buttons on the game machine housing when the remote controller is retracted into the game machine housing. As illustrated in Fig. 3, when the remote controller is retracted into the gaming machine housing, the remote controller is positioned on a different plane as the buttons on the gaming machine housing (i.e., the remote controller is positioned below the buttons). In the embodiment illustrated in Fig. 4, the remote controller is received in a securing receptacle on a front portion of the gaming machine housing. While in the securing receptacle, the remote controller is operable by the player and constitutes buttons to activate various features of the gaming machine. However, in this embodiment, the activation buttons on the remote controller replace the buttons on the game machine. Accordingly, in this embodiment, Cordell does not disclose a cabinet that includes at least one operational button and a switch that is positioned in substantially the same plane as the at least one button of the cabinet when the switch and cord are moved into the retracted position.

Unlike the gaming device of Claim 21, the proposed combination of Cordell and Hollowed does not disclose a cabinet including at least one button operable by a person and a switch positioned in substantially the same plane as the at least one button of the cabinet when the switch is moved into a retracted position. Positioning the switch in substantially the same plane as the at least one button of the cabinet when the switch is

moved into a retracted position, as in independent Claim 21, enables a person to operate the switch comfortably in conjunction with the at least one button of the cabinet to control functions of the game while the switch is in the retracted position. Applicants respectfully submit that one of ordinary skill in the art at the time of the invention would have no apparent reason to combine the elements of Cordell and Hollowed to form a gaming device as in independent Claim 21. Accordingly, Applicants respectfully submit that independent Claim 21 is patentably distinguished over the proposed combination of Cordell and Hollowed and in condition for allowance.

Dependent Claims 25 to 35 depend from independent Claim 21 and are also allowable for the reasons given above with respect to independent Claim 21, and because of additional features recited in those claims.

Independent Claim 66 is directed to a gaming device that comprises, amongst other elements, a cabinet including at least one operational button and a switch connected extendably and retractably to the cabinet. The switch and the at least one operational button are positioned in substantially the same plane when the switch and cord are moved into the retracted position. For at least the reasons set forth above with respect to independent Claim 21, the proposed combination of Cordell and Hollowed does not disclose a cabinet including at least one button and a switch connected extendably and retractably to the cabinet, wherein the switch and the at least one operational button are positioned in substantially the same plane when the switch and cord are moved into the retracted position. Accordingly, Applicants respectfully submit that amended independent Claim 66 is patentably distinguished over Cordell and Hollowed and in condition for allowance.

Dependent Claim 67 depends from independent Claim 66 and is also allowable for the reasons given above with respect to independent Claim 66, and because of additional features recited in those claims.

Independent Claim 36 is directed to a gaming device that comprises, among other elements, a cabinet including at least one operational button and a switch connected extendably and retractably to a cabinet via a cord and a mechanism. The mechanism is operable to enable the cord to be pulled by a person to multiple

predetermined extended positions defined by the mechanism and then released by the person, wherein the cord in each of the extended positions will thereafter recoil automatically to a fully retracted position. The switch is positioned directly adjacent to the at least one operational button and is operable by a person when the switch and the cord are moved into the fully retracted position.

In Cordell, the remote controller is retracted into the game machine housing in one embodiment (Fig. 3) as described above. Cordell discloses that the remote controller is inoperable by a player when retracted into the game machine housing. As illustrated in Fig. 3, when the remote controller is retracted into the gaming machine housing, the remote controller is positioned on a different plane as the buttons on the gaming machine housing (i.e., the remote controller is positioned below the buttons). Accordingly, when the remote controller is in the retracted position, the remote controller is not (i) positioned directly adjacent to at least one button of the game machine, and (ii) operable by a person. In the embodiment illustrated in Fig. 4 of Cordell, the remote controller includes activation buttons for the gaming machine that are operable by a player when the remote controller is retracted into the game machine housing. However, in this embodiment, the activation buttons on the remote controller replace the buttons on the game machine. Thus, for this embodiment, Cordell does not disclose a cabinet that includes at least one operational button and a switch that is (i) positioned in directly adjacent to at least one button of the game machine in the retracted position, and (ii) operable by a person in the retracted position.

Unlike the gaming device in Claim 36, the proposed combination of Cordell and Hollowed does not disclose a cabinet including at least one button and a switch connected extendably and retractably to the cabinet via a cord and a mechanism, wherein when the switch and the cord are moved into the fully retracted position, the switch is (i) positioned directly adjacent to the at least one button of the cabinet and (ii) operable by a person. Positioning the switch directly adjacent to the at least one button of the cabinet and maintaining operability of the switch by a person in the retracted position, as in independent Claim 36, enables the person to operate the switch comfortably in conjunction with the at least one button of the cabinet to control functions of the game while the switch is in the retracted position. Applicants respectfully submit

that one of ordinary skill in the art at the time of the invention would have no apparent reason to combine the elements of Cordell and Hollowed to form a gaming device as in independent Claim 36. Accordingly, Applicants respectfully submit that amended independent Claim 36 is patentably distinguished over Cordell and Hollowed and in condition for allowance.

Dependent Claims 37 to 40 depend from independent Claim 36 and are also allowable for the reasons given above with respect to independent Claim 36, and because of additional features recited in those claims.

Amended independent Claim 65 is directed to a gaming device that comprises, amongst other elements, a cabinet including at least one operational button and a switch connected extendably and retractably to the cabinet. The switch is positioned directly adjacent to the at least one operational button and operable by a person when the switch and cord are moved into the retracted position. For at least the reasons set forth above with respect to independent Claim 36, the proposed combination of Cordell and Hollowed does not disclose a cabinet including at least one button and a switch connected extendably and retractably to the cabinet, wherein the switch is positioned directly adjacent to the at least one operational button and operable by a person when the switch and cord are moved into the retracted position. Accordingly, Applicants respectfully submit that amended independent Claim 65 is patentably distinguished over Cordell and Hollowed and in condition for allowance.

Amended Claim 68 is directed to a gaming device that comprises, amongst other elements, a cabinet and a switch including a plurality of operational buttons. The switch is connected extendably and retractably to the cabinet. Only one of the operational buttons is operable by a person when the switch and cord are in a retracted position and the only one operational button and at least another of the operational buttons are operable by the person when the switch and the cord are in multiple extended positions.

In Cordell, the remote controller is retracted into the game machine housing in the embodiment illustrated in Fig. 3. When in the retracted position, the remote controller and the buttons of the remote controller are not operable by a person. Since the buttons are not operable by a person when the remote controller is in the retracted

position, Cordell does not disclose only one of the operational buttons of the switch being operable by a person when the switch and cord are in a retracted position. In the embodiment illustrated in Fig. 4 of Cordell, the remote controller includes activation buttons for the gaming machine that are operable by a player when the remote controller is retracted into the game machine housing. However, in this embodiment, the same activation buttons on the remote controller are operable by the person when the remote controller is retracted into the game machine housing and when the remote controller is extended from the game machine housing. Accordingly, in this embodiment, Cordell does not disclose that only one of the operational buttons of the remote controller is operable by a person when the remote controller is in a retracted position and the only one operational button and at least another of the operational buttons are operable by the person when the remote controller and the cord are extended from the game machine housing. The proposed combination of Cordell and Hollowed does not disclose a cabinet and a switch connected extendably and retractably to the cabinet, wherein only one of the operational buttons of the switch is operable by a person when the switch and cord are in a retracted position and the only one operational button and at least another of the operational buttons of the switch are operable by the person when the switch and the cord are in multiple extended positions. Having only one of the operational buttons of the remote controller operable by a person when the remote controller is in a retracted position and having the only one operational button and at least another of the operational buttons operable by the person when the remote controller and the cord are extended from the game machine, as in independent Claim 68, enables the person to operate one of the operational buttons when the switch is in the retracted position and when the switch is in the extended position. Applicants respectfully submit that one of ordinary skill in the art at the time of the invention would have no apparent reason to combine the elements of Cordell and Hollowed to form a gaming device as in independent Claim 68. Accordingly, Applicants respectfully submit that amended independent Claim 68 is patentably distinguished over Cordell and Hollowed and in condition for allowance.

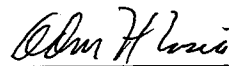
The Office Action rejected Claims 22 to 24 under 35 U.S.C. § 103(a) as being unpatentable over Cordell in view of Hughes and further in view of Hollowed.

Hughes does not remedy the deficiencies of the proposed combination of Cordell and Hollowed discussed above with respect to independent Claim 21. Hughes discloses a grip for a controller of a video game machine or video computer system. Like independent Claim 21, dependent Claims 22 to 24 recite a cabinet that includes at least one button operable by a person and a switch that is connected extendably and retractably to the cabinet via a cord, a spring and a ratchet. The spring causes the switch and cord to retract into a retracted position. The ratchet operates to lock the switch and cord in at least one extended position. The switch is positioned in substantially the same plane as the at least one button of the cabinet when the switch and cord are moved into the retracted position. The proposed combination of Cordell, Hughes and Hollowed does not disclose this combination of elements. Moreover, Applicants submit that one of ordinary skill in the art at the time of the invention would have no apparent reason to combine the elements of Cordell, Hughes and Hollowed to form a gaming device as in independent Claim 21 and dependent Claims 22 to 24. Accordingly, Applicants respectfully submit that dependent Claims 22 to 24 are patentably distinguished over the proposed combination of Cordell, Hollowed and Hughes and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Reply, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY: 
Adam H. Masia
Reg. No. 35,602
Customer No. 29159

Dated: May 29, 2007